

MT LEGISLATIVE HISTORY

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Chapter 117 1981

Bill H 353 S _____

Original bill & hist. ____C

H. Committee on Loc Gov't

S. Committee on Loc Gov't

Hearing Date(s) 1-27 ____C

Hearing Date(s) 3-7 ____C

____C

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____C

Date Out 1-27 ____C

3-7 ____C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

HOUSE BILL NO. 353

INTRODUCED BY KENNIS, BERG

IN THE HOUSE

January 20, 1981	Introduced and referred to Committee on Local Government.
January 28, 1981	Committee recommend bill do pass. Report adopted.
January 29, 1981	Bill printed and placed on members' desks.
January 30, 1981	Second reading, do pass.
January 31, 1981	Considered correctly engrossed.
February 2, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 3, 1981	Introduced and referred to Committee on Local Government.
March 9, 1981	Committee recommend bill be concurred in. Report adopted.
March 11, 1981	Second reading, concurred in.
March 13, 1981	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 14, 1981	Returned from Senate. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

06033/01

47th Legislature

1 HOUSE BILL NO. 353
2 INTRODUCED BY Kenneth Berg
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE 25
5 SIGNATURES FOR THE NOMINATING PETITION FOR A TRANSPORTATION
6 DISTRICT BOARD MEMBER; AMENDING SECTION 7-14-214, MCA."
7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9 Section 1. Section 7-14-214, MCA, is amended to read:
10 "7-14-214. Election of members of transportation
11 board. (1) Any registered elector in the district may file a
12 petition of candidacy with the election administrator of the
13 county where the district is located. No filing fee shall be
14 required. All candidates shall file a nonpartisan petition
15 for candidacy containing the signatures of not less than 25
16 registered electors of the district. Except for the number
17 of petition signers required, the petition shall be filed as
18 provided in 13-14-113.
19 (2) The names of the six candidates receiving the
20 highest number of votes in the primary election shall be
21 placed on the ballots in the county general election."

-End-

INTRODUCED BILL

HB 353

47th Legislature

Bill No.	Subject matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 297	To provide that the county governing body shall contract for the services of the county superintendent of schools of another county.	Jan. 17	Underdal	Thurs. 2/5	DO NOT PASS 2/9	2/10
HB 304	To clarify the qualifications that a newspaper must have in to be eligible to bid on county printing	1/19	Moore	Jan. 29	DO PASS (unan.) 2/5	2/7
HB 307	Providing for grants of front-end implementation funds for solid waste management capital equipment	1/19	Yardley	Thurs. 2/5 2/21 - - - -	DO NOT PASS 2/9 DO PASS with state- ment of intent attached	2/10 2/21
HB 351	To clarify the authority of municipal and county governing bodies	1/20	Kessler	Jan. 31	DO PASS 1/31/81	2/2/81
HB 352	To authorize a municipality to assume administrative and financial responsibility for services performed by a county	1/20	Kessler	Jan. 31	DO NOT PASS 2/5 (15 to 4)	2/7
HB 353	To require 25 signatures for the nominating petition for a transportation district board member.	1/20	Kemmis	Jan. 27	DO PASS 1/27/81	1/27/81

MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT COMMITTEE
January 27, 1981

The Local Government Committee met January 27, 1981 at 12:30 p.m. in room 103. CHAIRMAN VERNER BERTELSEN called the meeting to order. All committee members were present, including Staff Researcher Lee Heiman.

CHAIRMAN BERTELSEN opened the hearing on HOUSE BILL 353.

REPRESENTATIVE DANIEL KEMMIS, sponsor, introduced the bill. This is an act to correct an oversight that was made when we passed the general election bill last session. In 1975 the Legislature passed a bill which allowed for the creation of urban transportation districts. The idea was to allow transportation districts to be set up that would cross city limits to go out into the urban area of a county. Two cities in Montana now have Urban Transportation Districts, Missoula and Great Falls. This is a special District with a governing body of three members. The members are elected by all the electors in the district. The election law put these districts under the same general designation as all other special districts. There is a requirement that in order to get nominated to run for the Board you have to have the signatures of 5% of the voters who voted in the last election for that Board. In small districts that is no big problem. But the Urban Transportation District may be a large district with low visibility among the electorates. We found in Missoula County that in order to run for this Board, an individual needed several hundred signatures to be nominated. We ended up without enough candidates for all the vacancies on the Board and had to elect some people by write-in. This is not a good way to elect board members. We've made some calculations, and based on the last election, in order to get nominated next time, about 944 signatures would be required. That is a huge task. The purpose of this bill is to clear up the problem. In order to be nominated 25 signatures will be required on a petition. That will be enough to show that people are serious about running, but won't make it impossible for people to run.

PROPOSERS for HB 353

CYNTHIA WHITE, senior member of the Missoula Urban Transportation Board, feels that the 5% requirement is a discouragement for an individual to run for a non-paying, time consuming position in local government. She urged committee members to support passage of HB 353.

REPRESENTATIVE PISTORIA asked to be considered a proposer as they have a similar problem in Great Falls. They have a five-member Board. Transportation today cannot be handled by private enterprise. It is a tough thing and everyone knows it has to be subsidized. All larger cities are trying to promote it. I heartedly support HB 353.

OPPONENTS to HB 353

There were none.

QUESTIONS:

REPRESENTATIVE HANNAH: Why do we need a petition at all for anyone to file? I feel anyone who wants to represent the people and run for a job should have the freedom to do so.

REP. KEMMIS: I wouldn't have any objection to that. I was trying to keep the law under the same general guidelines that would affect other districts. We do have instances where people have a sudden urge to do something, but the next day they regret it. Having a petition shows that people are fairly serious about running for a job.

CHAIRMAN BERTELSEN said since there are no further questions, the hearing for HB 353 is now closed.

THE CHAIRMAN said we'd now hear HOUSE BILL 256.

HOUSE BILL 256

SPONSOR ORREN VINGER said he is carrying the bill at the request of the Association of Counties. It will increase certain limits of discretionary authority of county officials to act in fiscal matters in order to adjust for inflation. We're raising four different figures in the bill. On line 18, page 1 we're changing from \$10,000 to \$25,000 on the advertising bids for competitive bids. One line 10, page 2 we're changing the figure from \$10,000 to \$25,000 for nonadvertised competitive bids. On page 3 we're changing the option where the Commissioners can go to an auction and make a purchase and raising that from \$10,000 to \$25,000. On line 20 we're changing the figure from \$40,000 to \$150,000 as far as incurred indebtedness or liability for any single purpose. These are my comments for this time.

PROPONENTS for HB 256

MIKE STEPHEN, Executive Director for the Association of Counties, supports this bill. The current trend is that prices of everything are going up. In the county we're continually confronted with ceilings on one thing or another. We try to be competitive in what we do with regard to making the best deal for the county. This bill gives us a little more flexibility and raises these limits so when we do pursue a purchase we have a little more latitude. If the ceilings are raised, we can go out and buy the necessary equipment and be in a position to pay for it.

depth and a lot of in depth studying, a lot of compromise and they are in response to a very, very real plight that the cities of this state are experiencing.

REP. GOULD: I certainly disagree with the fairness act of the last speaker. Interim Committee bills don't seem to do too well in the Legislature. For instance, in the last sessich of the Legislature, the Interim Committee put in 11 bills and 10 of them were killed. I don't think that is any reason we have to pass the Interim Committee bills.

CHAIRMAN BERTELSEN commented he feels we have a balance. Let's vote on the Motion. It's a DO NOT PASS on HOUSE BILL 56.

QUESTION: A roll call vote was taken. 10 committee members voted "yes" and nine voted "no." Members voting no were: Representatives Azzara, Bergene, Dussault, Holliday, Hurwitz, Kessler, McBride, Neuman and Waldron. MOTION CARRIED. HOUSE BILL 56 received a DO NOT PASS committee recommendation.

CHAIRMAN BERTELSEN called for a motion to consider HOUSE BILL 353.

REP. GOULD moved that HOUSE BILL 353 DO PASS.

REP. AZZARA: You heard Mr. Kemmis say he has the same perspective, but the problem is there are other people who are hostile to transportation districts and the whole concept of urban transportation. If we do what you're suggesting, we will open up the whole question again to areas we can be shot down. There is nothing wrong with requiring 25 signatures on a petition.

REP. BERGENE: I was assuming that most of us don't run for an office of any kind unless we feel we have some support. I think that 25 signatures gives you a better feeling about what you are doing.

REP. BERTELSEN said he feels we're ready for question.

QUESTION for a DO PASS on HOUSE BILL 353.

All in favor of HOUSE BILL 353 say "aye." All committee members voted "aye." Motion carried.

CHAIRMAN BERTELSEN opened the Executive Session for action on HOUSE BILL 256.

REP. VINGER moved that House Bill 256 DO PASS.

REP. VINGER asked to speak on HB 256. He said this bill does give the counties the flexibility they need. On page 2 raising the figure from \$10,000 to \$25,000, the commissioners have to solicit from people who are registered at the courthouse who will offer these services listed in that category. Secondly, the \$25,000

January 17 19 21

MR. SPENCER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 353

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE 25
SIGNATURES FOR THE NOMINATING PETITION FOR A TRANSPORTATION
DISTRICT BOARD MEMBER; AMENDING SECTION 7-14-214, MCA."

Respectfully report as follows: That HOUSE Bill No. 353

DO PASS

COMMITTEE ON LOCAL GOVERNMENT

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO NOT PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
202	Returned 03/09/81	03/10/81	03/10/81					03/10/81	
202	Returned 03/14/81	03/24/81	03/24/81					03/24/81	
203	01/28/81	03/03/81	03/03/81				03/03/81		
256	02/04/81	03/05/81	03/05/81				03/05/81		
271	02/03/81	03/05/81	03/07/81					03/07/81	
295	02/18/81	03/10/81	03/27/81						03/27/81
304	02/14/81	03/14/81	03/17/81					03/17/81	
353	02/03/81	03/07/81	03/07/81				03/07/81		
357	02/14/81	03/10/81	03/18/81				03/18/81		
358	02/14/81	03/10/81	03/10/81				03/10/81		
375	02/21/81	03/12/81	03/24/81						03/24/81
390	02/07/81	03/10/81	03/10/81					03/10/81	
393	03/03/81	03/18/81	03/24/81						03/24/81
402	02/09/81	03/10/81	03/10/81						03/10/81
413	02/18/81	03/10/81	03/10/81					03/10/81	
424	02/18/81	03/12/81	03/17/81					03/17/81	

(Use Separate Sheet for Senate, House Bills, and Resolutions)



provision of services to cities where they have areas that have been annexed. The city cannot annex an area without providing services.

Al Thelen of the city of Billings supports the bill. It is an instance of good planning. It is important for the city to understand.

Dan Mizner of the League of Cities and Towns supports the bill.

Margaret Davis of the League of Women Voters supports the bill. This is good planning and a way to inform the public.

There were no opponents of the bill appearing before the committee.

Representative Kessler made brief closing remarks.

There were no questions from the committee.

CONSIDERATION OF HOUSE BILL NO. 353:

AN ACT TO REQUIRE 25 SIGNATURES FOR THE
NOMINATING PETITION FOR A TRANSPORTATION
DISTRICT BOARD MEMBER.

Senator Berg, co-sponsor of the bill, presented the bill to the committee in the absence of Representative Kemmis. He said this law was enacted in 1979. It said no filing fee shall be required and all candidates shall file a non-partisan petition for candidacy. Section 13-14-113 says the number of signatures will equal 5% of the total vote cast for the successful candidate for that office at the last general election but in no case may it be less than five signatures. It would be very difficult for anyone to obtain that many signatures in Great Falls, it would require 455 signatures. It would require a sizeable number of signatures in Missoula, also. In some districts there have been candidates who run unopposed and they still have to collect signatures.

Representative Kemmis came in at this time but had nothing to add at that moment.

Dick Howell of the Transportation Assistance Bureau of the Department of Community Affairs said in Missoula they would require 700 signatures. He is in favor of the bill.

Representative Kemmis submitted a letter from the Missoula Transportation Board. (See attached Exhibit B.)

No opponents of the bill appeared before the committee.

Senator McCallum then called for questions from the committee.

Senator Ochsner asked what a transportation district was for.

Representative Kemmis said there was a law passed in 1975 for a situation that occurred in Missoula. An urban area outside the city limits wanted a transportation system so they had to set up a special district outside the city limits.

Mr. Howell said one problem is that the urban transit district services larger areas than the community itself. It is a large district that contains a substantial amount of territory.

Senator Conover asked if this would apply to the Billings Heights area in Billings where they petitioned to run a bus out.

Representative Kemmis said his understanding was that Billings does not have a district under this law.

Al Thelen said they do not go outside the city. They go into the Heights area but not outside city limits. They do have an interlocal agreement.

DISCUSSION OF HOUSE BILL NO. 479: Senator Van Valkenburg asked if we could wait until Tuesday on this bill.

Senator McCallum said we should adopt the amendment if we are going to consider passing the bill.

Senator Conover made a motion to adopt the amendment which provided for an immediate effective date.

The motion carried unanimously.

DISPOSITION OF HOUSE BILL NO. 54: Senator Thomas moved the bill be concurred in.

The motion carried unanimously.

DISPOSITION OF HOUSE BILL NO. 55: Senator Thomas moved the bill be concurred in.

The motion carried unanimously.

DISPOSITION OF HOUSE BILL NO. 58: Senator Van Valkenburg said in the provision on lines 17 and 18 on page 1 the House had changed "or" to "and" and they are saying "otherwise mutually agreed upon." That facilitates annexation to some degree but without providing as much service. Would there be an ordinance that those people would not be taxed for services not provided.



Debbie Schmidt said that was spelled out in House Bill No. 56 but it does not cover all annexation. If there is an agreement, the taxing would be reduced.

Senator Van Valkenburg said a lot of this is existing law. Is the provision for reduction in taxes for the services not provided spelled out somewhere or just assumed.

Ms. Schmidt said it is assumed. We could repeat the language in this bill that is in House Bill No. 56. It was understood in committee deliberations.

Senator Van Valkenburg said he did not need to amend it then.

Ms. Schmidt said there was not much concern in the House hearings on this.

Senator Conover said if we pass this, it can be changed in two years.

Senator Van Valkenburg said it has been on the books for two years saying "mutually agreed upon." If there has not been a problem in the last two years, we do not need to create one. He is more concerned whether it is clear there will be a reduction in taxes if services are not provided.

Senator McCallum said we could hold this bill until the other annexation bills have been acted upon.

Ms. Schmidt said the other bills won't have much impact on this bill.

Senators Van Valkenburg and Conover agreed.

Senator Thomas moved the bill be concurred in.

The motion carried unanimously.

DISPOSITION OF HOUSE BILL NO. 353: Senator Thomas moved the bill be concurred in.

The motion carried unanimously.

DISPOSITION OF HOUSE BILL NO. 271: Senator Van Valkenburg said he agrees with the amendments.

Senator Thomas moved we adopt the amendments. The motion carried unanimously.

Senator Van Valkenburg moved the bill be concurred in as amended.

MY NAME IS DICK HOWELL. I AM THE CHIEF OF THE TRANSPORTATION ASSISTANCE BUREAU WITH THE MONTANA DEPARTMENT OF COMMUNITY AFFAIRS.

I WOULD LIKE TO SPEAK IN FAVOR OF HOUSE BILL 353.

AT OUR TRANSIT CONFERENCE LAST FALL, A NUMBER OF CITIES EXPRESSED A PROBLEM WITH THE REQUIREMENT, THAT PETITIONERS FOR TRANSPORTATION DISTRICT BOARD MEMBERS ^{must} OBTAIN 5% OF THE TOTAL VOTE CAST FOR THE SUCCESSFUL CANDIDATE FOR THAT OFFICE AT THE LAST GENERAL ELECTION.

THE PROBLEM IS THAT URBAN TRANSPORTATION DISTRICTS ARE USUALLY VERY LARGE. THESE DISTRICTS USUALLY EXPAND BEYOND A CITY'S CORPORATE LIMITS AND ARE MORE SYNONOMOUS WITH URBAN AREA BOUNDARIES. THEY THEREFORE ^{include a large population which tends to} REQUIRE A SUBSTANTIAL NUMBER OF SIGNATURES ^{for a nominating} ^{petition.}

IN MISSOULA THE 5% REQUIREMENT AMOUNTS ^{to} TO OVER 700 SIGNATURES. IN GREAT FALLS THIS AMOUNT WOULD BE EVEN LARGER. ^{This places a substantial burden on board members who run for re-election and for many new candidates who would like to run for a transportation district board member position.} I THEREFORE HOPE THIS COMMITTEE WILL RECOMMEND APPROVAL OF THIS BILL.

THANK YOU.

Amendment to House Bill 479 to provide an immediate effective date.

By Representative Donaldson

1. Title, line 5.

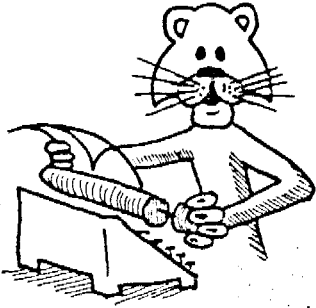
Following: "MCA"

Insert: ";AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 4, line 4.

Following: line 4

Insert: "Section 2. Effective date. This act is effective on passage and approval."



mountain line

Missoula Urban Transportation District,
P.O. Box 8183, Missoula, Montana 59807 (406) 543-8386

March 4, 1981

Representative Dan Kemmis
House of Representatives
Capital Station
Helena, MT 59601

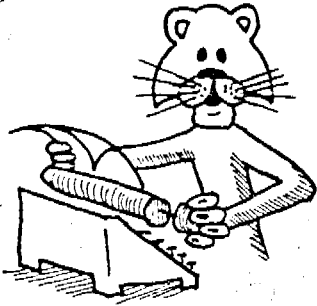
Dear Representative Kemmis:

Enclosed please find testimony which is submitted relative to House Bill 353 for the Senate Local Government Committee hearing scheduled on March 7, 1981.

Thank you for your assistance with this matter and for your continued support of Mountain Line.

Sincerely,

John R. Grew,
General Manager



mountain line

Missoula Urban Transportation District,
P.O. Box 8183, Missoula, Montana 59807 (406) 543-8386

March 4, 1981

Representative Dan Kemmis
House of Representatives
Capital Station
Helena, MT 59601

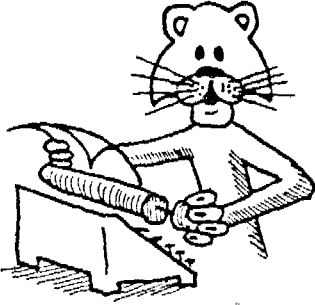
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John R. Grew,
General Manager



mountain line

Missoula Urban Transportation District,
P.O. Box 8183, Missoula, Montana 59807 (406) 543-8386

Testimony Relative to House Bill 353: An Act to Require 25 Signatures for the Nominating Petition for a Transportation District Board Member

Testimony Submitted by: Missoula Urban Transportation District Board of Directors

Testimony: The Missoula Urban Transportation Board of Directors strongly supports House Bill 353. The bill, if passed, will greatly expedite the process by which citizens may become candidates for election to urban transportation district boards by reducing the number of signatures required on a petition for candidacy to 25. Currently the number of signatures required is equal to five (5) percent of the total votes obtained by the Board member receiving the highest total votes in the previous election. In the forthcoming election in 1982, candidates would be required to obtain over 900 signatures on a petition. Clearly, the current law requires an excessive number of petition signatures. The Missoula Urban Transportation Board of Directors respectfully requests legislature approval of House Bill 353 in order that communities with urban transportation districts may continue to obtain the services of qualified Board members.

March 7

19 81

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 353
KEMMIS (BERG)

Respectfully report as follows: That HOUSE Bill No. 353

BE CONCURRED IN

DO-PASS 4/10